

As a second preliminary matter, Applicants respectfully traverse the outstanding rejection presented in paper No. 9 as not being fully responsive, and for failing to meet the requirements of Section 2143 of the MPEP.

The Examiner asserts on page 2 of paper No. 9 that the rejection of claims 13 – 16 was presented in the previous Office Action (paper No. 6). This assertion is incorrect. Paper No. 6 asserted only specific rejections of claims 1 – 5 of the present invention, and with respect to claims 6 – 16, rejected these additional claims only “as being in obvious variations (sic) of claims 1 – 5 which have already been rejected above.” As such, the outstanding rejection of Paper No. 9 is an improper omnibus rejection according to the meaning of Section 707.07(d) of the MPEP. Claims 13 – 16 have only been grouped together by the Examiner in one common rejection, and no specific reasons for the rejection of these individual claims have been presented by the Examiner to date. For at least these reasons, both the outstanding rejection of claims 13 – 16, and the finality of the Office Action itself are respectfully traversed. The Office Action should be vacated.

A continued rejection of claims 13 – 16 is also improper under Section 2143.03 of the MPEP for failing to even assert where in the prior art of record may be found any and all of the specific claim limitation and elements of the present invention. Applicants further traverse as follows.

Claims 13 – 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ha (U.S. 6,337,722). Applicants respectfully traverse this rejection for the above

stated reasons, and because Ha fails to teach or suggest any structural configuration of an electrostatic protection element portion.

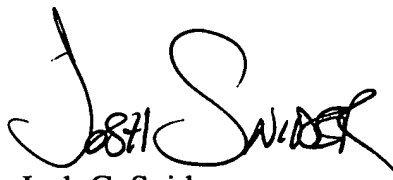
The Examiner incorrectly states on page 2 of Paper No. 9 if claims 13 – 16 “simply have the existence of a contact hole that is filled.” In fact, claims 13 – 16 of the present invention include several additional elements and features in addition to the contact hole identified by the Examiner. The Examiner is required to examine all claim language of claims 13 – 16, and not just the elements he chooses to identify.

Claim 13, for example, also features a switching element, a short ring, and an electrostatic protection element portion. Moreover, claim 13 further features how these elements are interconnected, and even the structural configuration of the electrostatic protection element portion. Ha fails to teach or suggest all of these features of the present invention, and the Examiner has never identified where in Ha maybe found all of these features of claim 13. The Examiner has similarly failed to show the same for claims 14 – 16. For at least these additional reasons, a Section 103 rejection based on Ha is further traversed.

For all the foregoing reasons, Applicants submit that this Application, including claims 13 – 16 in addition to claims 1 – 12, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted

GREER, BURNS & CRAIN, LTD.

By   
Josh C. Snider  
Registration No. 47,954

**Customer No.: 24978**

February 28, 2003

Suite 2500  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

K:\1324\64383\Response A.DOC